

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALTAGRACIA PEGUERO,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY
and HEALTHEXTRAS, INC.,

Defendants.

Civil Action No. 05-10995-WGY

**DEFENDANT HEALTHEXTRAS, INC.'S
MOTION FOR SUMMARY JUDGMENT**

Defendant HealthExtras, Inc. ("HealthExtras") hereby moves for summary judgment dismissing all remaining claims of the plaintiff, Altagracia Peguero. The grounds for this motion are set forth in detail in HealthExtras' accompanying memorandum of law. The motion is supported by the accompanying Affidavit of Counsel and the previously filed Affidavit of Joanna Ficklin of HealthExtras (Attachment #1 to Document # 20, filed on July 26, 2005).

REQUEST FOR ORAL ARGUMENT

HealthExtras respectfully requests oral argument of this motion

HEALTHEXTRAS, INC.,

By its attorney,

/s/ Donald R. Pinto, Jr.

Donald R. Pinto, Jr., BBO No. 548421
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Boston, Massachusetts 02111
(617) 542-2300

Dated: April 14, 2007

CERTIFICATE UNDER LOCAL RULE 7.1(A)(2)

I hereby certify that I have conferred in good faith in an attempt to resolve or narrow the issues presented by this motion.

/s/ Donald R. Pinto, Jr.
Donald R. Pinto, Jr.

Dated: April 14, 2007

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

/s/ Donald R. Pinto, Jr.
Donald R. Pinto, Jr.

Dated: April 14, 2007